

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE APRIL 29, 2014

SENATE BILL

No. 1339

Introduced by Senator Cannella
(Coauthors: Senators Huff and Vidak)
(Coauthor: Assembly Member Wilk)

February 21, 2014

An act to add Section 14124.27 to the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 1339, as amended, Cannella. Medi-Cal: Drug Medi-Cal Treatment Program providers.

Existing law provides for the Drug Medi-Cal (DMC) Treatment Program, under which counties enter into contracts with the State Department of Health Care Services for the provision of various drug treatment services to Medi-Cal recipients, or the department directly arranges for the provision of these services if a county elects not to do so.

This bill would require a county or the department, before contracting with a certified DMC provider, to require a certified DMC provider's owner and medical director to submit to the Department of Justice (DOJ) fingerprint images and other information required by DOJ to obtain the person's criminal history information, as specified. The bill would require DOJ to forward the person's fingerprint images and other information to the Federal Bureau of Investigation to obtain federal criminal history information and would require DOJ to report the criminal history information to the county or department. The bill would also require the county or department to request subsequent arrest

notification for the person. The bill would require DOJ to charge a fee sufficient to cover the cost of processing that request *and would provide that it is the responsibility of the DMC provider's owner or medical director to pay that fee.* The bill would prohibit, except as provided by federal law, a DMC provider from being excluded from contracting with a county or the department based solely on the existence of a past criminal record of the DMC provider's owner or medical director.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14124.27 is added to the Welfare and
2 Institutions Code, to read:
3 14124.27. (a) A county or the department, before contracting
4 with a certified Drug Medi-Cal (DMC) provider, shall require a
5 certified DMC provider's owner and medical director to submit
6 to the Department of Justice fingerprint images and related
7 information required by the Department of Justice for the purpose
8 of obtaining information as to the existence and content of a record
9 of state and federal convictions and arrests and information as to
10 the existence and content of a record of state and federal arrests
11 for which the Department of Justice establishes that the person is
12 free on bail, or on his or her *own* recognizance, pending trial or
13 appeal.
14 (b) The Department of Justice shall forward the fingerprint
15 images and related information received pursuant to subdivision
16 (a) to the Federal Bureau of Investigation and request a federal
17 summary of criminal information. The Department of Justice shall
18 review the information returned from the Federal Bureau of
19 Investigation and compile and disseminate a response to the county
20 or department pursuant to paragraph (1) of subdivision (p) of
21 Section 11105 of the Penal Code.
22 (c) The county or department contracting with the DMC provider
23 shall request subsequent arrest notification service from the
24 Department of Justice, as provided under Section 11105.2 of the
25 Penal Code, for
26 persons described in subdivision (a).

1 (d) (1) The Department of Justice shall charge a fee sufficient
2 to cover the cost of processing the requests described in this
3 section.

4 (2) *Payment of the fee imposed pursuant to paragraph (1) shall*
5 *be the responsibility of the DMC provider's owner or medical*
6 *director, as applicable.*

7 (e) Except as provided by federal law, a DMC provider shall
8 not be excluded from contracting with a county or the department
9 based solely on the existence of a past criminal record of the DMC
10 provider's owner or medical director.